

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

MATTHEW ROBERT DESCAMPS,)	
)	
Petitioner,)	
v.)	Civil Action
)	No. 06-3320-CV-S-FJG-H
JOSEPH GUNJA, Warden, United)	
States Medical Center for Federal)	
Prisoners,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE

Petitioner, a pretrial detainee formerly confined in the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus in which he challenges the criminal charges against him; contends that he has received ineffective assistance of counsel in his criminal case; challenges all American law; and asserts that various constitutional violations occurred before, during, and after his arrest. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because this Court lacks jurisdiction over petitioner's claims, it will be recommended that leave to proceed in forma pauperis be denied.

A review of the record indicates that petitioner was committed by the United States District Court for the Eastern District of Washington under 18 U.S.C. § 4241(b) after being arrested for a weapons violation in June of 2005. Petitioner was subsequently committed under 18 U.S.C. § 4241(d) to the custody of the Attorney General for a mental health evaluation to determine if he would regain competency to stand trial. On March 23, 2006, petitioner arrived at the Medical Center for a mental health study, as ordered by the District Court in Washington. He left the Medical Center on December 6, 2006, and was returned to the Eastern District of Washington.

It is clear that this Court is without jurisdiction to entertain petitioner's claims, either to the extent that he attempts to challenge the charges against him, or challenge the mental health commitment. Because petitioner is currently housed in the charging and committing district, he can raise the concerns he has, if any, in the Eastern District of Washington. Accordingly, it must be recommended that petitioner be denied leave to proceed in forma pauperis.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 22 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for a writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
United States Magistrate Judge

Date: 6/4/07